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**ATTORNEY FOR PLAINTIFF**  
**UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**BILLINGS DIVISION**

<b>UNITED STATES OF AMERICA,</b>  <b>Plaintiff,</b>  <b>vs.</b>  <b>IRA LEFTHAND JR.,</b>  <b>Defendant.</b>	<b>CR 17-118-BLG-SPW</b>      <b>OFFER OF PROOF</b>
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Plaintiff, United States of America, by and through its counsel of record,  
Jared C. Cobell, Assistant U.S. Attorney for the District of Montana, hereby files  
its Offer of Proof.

**THE CHARGE**

The defendant, Ira Lefthand Jr., was charged by Indictment with Assault

Resulting in Serious Bodily Injury, in violation of 18 U.S.C. §§ 1153(a) and 113(a)(6).

### **PLEA AGREEMENT**

The defendant, Ira Lefthand Jr., without a plea agreement, will enter a voluntary plea of guilty to the sole crime of Assault Resulting in Serious Bodily Injury as charged in the Indictment.

### **ELEMENTS**

In order for the defendant, Ira Lefthand Jr., to be to be found guilty of Assault Resulting in Serious Bodily Injury, in violation of 18 U.S.C. §§ 1153(a) and 113(a)(6), as charged in the Indictment, the United States must prove each of the following elements beyond a reasonable doubt,

First, the crime occurred within the exterior boundaries of the Crow Indian Reservation;

Second, the defendant is an Indian person;

Third, the defendant willfully and recklessly assaulted D.S.; and,

Fourth, as a result, D.S. suffered serious bodily injury.

### **PENALTY**

The charge of Assault Resulting in Serious Bodily Injury carries a maximum penalty of ten years imprisonment, up to a \$250,000 fine, three years of supervised release and a \$100 special assessment.

## **ANTICIPATED EVIDENCE**

If this case were tried in United States District Court, the United States would prove the following:

On April 24, 2017, Ira Lefthand Jr. drank several bottles of beer with friends at a bar in Hardin, Montana. Lefthand left the bar in his 2000 Chevy Impala with D.S., who was riding in the front passenger seat, and drove onto the Crow Indian reservation towards Lodge Grass on Interstate 90. D.S. saw Lefthand drink “a lot of beers” and knew Lefthand “was very drunk.” Lefthand was swerving the vehicle as he drove and D.S. asked if he could drive because Lefthand was drunk and D.S. had only had two beers. Lefthand refused to allow D.S. to drive.

It was raining very hard that night and Lefthand was driving too fast for the conditions, reaching speeds of 80-90 miles per hour. The driver of a 2004 GMC Yukon with five passengers had pulled off the roadway near mile marker 504.5 due to the low visibility caused by the precipitation. Lefthand lost control of his vehicle, left the roadway, and collided into the rear end of the Yukon.

Lefthand’s vehicle sustained severe front end damage in the crash with airbag deployment. Lefthand was trapped in the driver seat and EMS crews had to cut the driver side door in order to get him out. Responding officers, the EMS crew, and all witnesses stated that Lefthand was the driver of the white Impala.

D.S. sustained serious injuries from the crash including multiple facial fractures, multiple rib fractures, a left elbow fracture, and a collapsed lung that required a chest tube to drain over 500ml of blood from his lungs.

A sample of Lefthand's blood was taken at the hospital shortly after the crash. The sample was sent to the FBI Laboratory where it tested positive for Fentanyl with a blood alcohol content of 0.134.

The crash took place within the exterior boundaries of the Crow Indian reservation. Ira Lefthand Jr. and D.S. are both enrolled members of the Crow Tribe.

The United States would have presented this evidence through the testimony of law enforcement, expert witnesses and lay witnesses.

DATED this 28th day of December, 2017.

KURT G. ALME  
United States Attorney

/s/ Jared C. Cobell  
JARED C. COBELL  
Assistant U.S. Attorney